

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1210

United States of America,

Plaintiff-Appellee,

v.

\$29,000, also known as Elita

Crossland, also known as Thomas Scott

Crossland, in United States Currency;

Defendant,

Scott Crossland, also known as Thomas

Scott Crossland,

Claimant-Appellant.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: September 2, 2003

Filed: September 15, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Scott Crossland appeals from the district court's* adverse grant of summary judgment in Crossland's civil forfeiture action, contending there was evidence in the record to establish the \$29,000 at issue represented proceeds from legitimate business ventures, the district court wrongly denied his motion to stay the summary judgment motion, and the forfeiture action was untimely. After careful review, we affirm.

The district court did not abuse its discretion in denying a stay, because Crossland did not identify the discovery he was lacking and how a continuance would have enabled him to obtain needed discovery. See Alexander v. Pathfinder, Inc., 189 F.3d 735, 744 (8th Cir. 1999). We also conclude summary judgment was proper because the government presented un rebutted evidence of probable cause, and Crossland failed to create a genuine issue of material fact as to whether the money represented proceeds from a legitimate business. See United States v. Premises Known as 7725 Unity Ave. N., Brooklyn Park, Minn., 294 F.3d 954, 958 (8th Cir. 2002). Finally, the forfeiture action was timely filed. See United States v. Twenty-Seven Parcels of Real Prop. Located in Sikeston, Mo., 236 F.3d 438, 440 (8th Cir. 2001) (statute of limitations).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

*The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.